

Sample essay on plea bargaining

[Law](#), [Criminal Justice](#)



The use of plea bargaining is famous in legal systems as it justifies the principle of judicial economy. The purpose of the judicial system is to bring to an end cases in a fair, efficient and quick manner. In the absence of plea-bargaining, there will be an eruption of cases and this result to over taxation of the citizens and disruption to the legal system. With limited funding, plea bargaining is a very powerful tool and solves congestion of cases. In addition, the judges get more time to handle the critical cases (Baker & Mezzetti, 2001).

Since time immemorial, it has been a nightmare to get a trial date due to the congestion observed in the court. The adoption of plea bargaining reduces the bulk in the court calendar with numerous cases. The judges are willing to encourage the concerned parties to solve issues outside the court, and this serves an important aspect. The parties solved the dispute between them in a friendly manner, and it is unlikely that they will present the case in the court thereafter. Therefore, plea bargaining is very economical as it reduces the cost to be incurred in the courtroom making it possible for courts to operate with limited funding (Chu, 1990). Plea bargaining is an effective way of handling less dreadful criminals and gives a chance for the courts to handle the serious threats posed to the society.

The prosecutor's role to ensure the court calendar is uncongested and flexible gets support from plea-bargaining. Since funds and resources are limited, prosecutors prefer conveying a plea agreement instead of wasting a lot of time and money in the entire trial. This is very economical and makes plea-bargaining feasible in a scenario of limited funds.

Although the plea bargaining process contains various merits, there are also

many deficits. One of the greatest deficits occurs when the innocent person acquires a position to plead guilty at a lower cost than bearing the risk of being guilty at the end of the trial. This subjects the innocent person to bear charges that they could not have incurred since they are guilty.

Moreover, according to some of the judges and attorneys, plea-bargaining has resulted to deprived police investigation and the attorneys do not take enough time to prepare the case. They argue that this process fails to pursue justice, but instead the process depends on making deals. Consequently, the process leaves the legal consequences and facts about what happened undermined. Some of the judges and attorneys also argue that the plea bargaining process is not constitutional because it denies offender's right to be tried by the jury. If the offender unwillingly or forcefully takes plea-bargaining, then the process would be considered as unconstitutional (Gregory, Mowen, & Linder, 1978). However, if the criminal case offenders were always granted the right to be tried by the jury without exerting force to make a deal, the court would consider the process constitutional.

Other feasible alternative to the criminal justice system prevails. Various states allow diversion programs that involve removal of criminal matters that are not serious from the full, prescribed process of the justice system.

Typically, this alternative allows the offender to agree on the probation without participating on the trial (Gregory, Mowen, & Linder, 1978). If the offender successfully goes through the probation, for instance, make reimbursement for the crime or completes rehabilitation, the matter would be removed from the records.

Reference

Baker, S., & Mezzetti, C. (2001). Prosecutorial Resources, Plea Bargaining, and the Decision to Go to Trial. *Journal of Law Economics & Organization*. doi: 10.1093/jleo/17.1.149

Chu, C. Y. (1990). Plea bargaining with the IRS. *Journal of Public Economics*. doi: 10.1016/0047-2727(90)90064-O

Gregory, W. L., Mowen, J. C., & Linder, D. E. (1978). Social psychology and plea bargaining: Applications, methodology, and theory. *Journal of Personality and Social Psychology*. doi: 10.1037//0022-3514.36.12.1521